

02/07/02

JC928 U.S. PTO

02/11/02

A

PTO/SB/05 (03-01)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 44.US4.DIV

First Inventor Lydie BOUGUELERET

Title A Nucleic Acid Encoding a Retinoblastoma Binding Protein (RBP07) and Polymorphic Markers Associated with Said Nucleic Acid

Express Mail Label No. EV 016276670 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 105]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
5. Oath or Declaration [Total Pages 1]
- a. ☐ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- b. ☒ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No. 09 / 345,882

Prior application information:

Examiner

K. Katchere

Group Art Unit.

1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.


19. CORRESPONDENCE ADDRESS☐ Customer Number or Bar Code Label

000027206

or ☒

Correspondence address below

Name	John Lucas, Ph.D., J.D.				
	GENSET CORPORATION				
Address	10665 Sorrento Valley Road				
City	San Diego	State	CA	Zip Code	92121-1609
Country	U.S.A.	Telephone	858/597-2600	Fax	858/597-2601

Name (Print/Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373
Signature		Date	2/7/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

The PTO did not receive the following listed item(s) Specification 105 pages

JC928 U.S. P.T.O.
02/07/02

40071179 020702

PTO/SB/17 (10-01)
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 740.00

Complete if Known

Application Number	
Filing Date	February 7, 2002
First Named Inventor	Lydie Bougueleret
Examiner Name	K. Katcheres
Group Art Unit	1656
Attorney Docket No.	44.US4 DIV

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1181

Deposit Account Name: Genset Corporation

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE			
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	740
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 740.00

2. EXTRA CLAIM FEES

Total Claims: 3 - 20** = 0 X Fee from below 18 = 0

Independent Claims: 1 - 3** = 0 X Fee from below 84 = 0

Multiple Dependent Claims: 280 = 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00

**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES			
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			
SUBTOTAL (3)			(\$ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Express Mail Label No. EV 016276670 US		Complete (if applicable)	
Name (Print/Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373	Telephone	(858) 597-2600
Signature		Date	2/6/02		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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02/07/02



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Direct Dial: (858) 597-2610
E-Mail: john.lucas@genxy.com

February 7, 2002

Express Mail Label No. EV 016276670 US

Assistant Commissioner for Patents
Box: Patent Application
Washington, D.C. 20231

RE: U.S. Divisional Patent Application
For: A NUCLEIC ACID ENCODING A RETINOBLASTOMA BINDING PROTEIN (RBP-7) AND
POLYMORPHIC MARKERS ASSOCIATED WITH SAID NUCLEIC ACID
Inventor(s): Lydie BOUGUELERET
Our Ref.: 44.US4.DIV

Dear Sir:

Enclosed please find the above-identified utility patent application for filing with the United States Patent and Trademark Office. This application is a divisional of U.S. Patent Application Serial No. 09/345,882, filed June 30, 1999 which claims priority on U.S. Provisional Application Serial No. 60/091,315, filed June 30, 1998; and U.S. Provisional Application Serial No. 60/60/111,909, filed December 10, 1998. The following documents are transmitted herewith:

	<u>Quantity</u>
1) Specification, Claims and Abstract	105 pages
2) Application Data Sheet	3 pages
3) Preliminary Amendment	3 pages
4) Utility Patent Application Transmittal, Fee Transmittal for FY 2002, Patent Application Fee Determination Record	3 sheets
5) Power of Attorney or Authorization of Agent; Statement Under 37 CFR 3.73(b)	2 pages
6) Our check in the amount of \$740.00 for the filing fee	
7) Paper copy of Sequence Listing	126 pages
8) Sequence Listing Verification Statement Under 1.821	1 page
9) Return Receipt Postcard	2 pages
10) Drawings	

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment in the processing of these documents to our Deposit Account No. 50-1181.

Very truly yours,

GENSET CORPORATION

John Lucas, Ph.D., J.D.
Reg. No. 43,373

JL/DD/cmm
Enclosures
cc: Helene Sarraesca (w/encls.)

Certificate of Mailing under 37 CFR 1.10

Express Mail Label No.: EV 016276670 US Date of Deposit: February 7, 2002
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the Date of Deposit shown above, postage prepaid and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature Deno P. Dialynas
Typed or Printed Name of Person Signing Certificate

Our Ref. No. 44.US4.DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Divisional Application of:)
Applicant : Lydie Bougueleret) Grp./A.U. : 1656
Appl. No. :) Examiner : K. Katcheres
Filed : February 7, 2002)
Parent Application:)
Serial No. : 09/345,882)
Filed : June 30, 1999)
Title : A NUCLEIC ACID ENCODING A)
RETINOBLASTOMA BINDING PROTEIN)
(RBP-7) AND POLYMORPHIC)
MARKERS ASSOCIATED WITH SAID)
NUCLEIC ACID.)

SUBMISSION OF SEQUENCE LISTING AND STATEMENT UNDER 1.821

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The paper copy of the Sequence Listing in this application is identical to the computer readable copy of the Sequence Listing filed in application Serial Number 09/345,882, filed June 30, 1999.

In accordance with 37 CFR 1.821(e), please use the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing was included in the

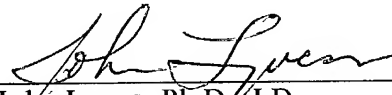
originally-filed specification of the instant application. The undersigned hereby certifies that the paper and computer readable copies contain the same information.

The Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to our Deposit Account No. 50-1181.

Respectfully submitted,
GENSET CORPORATION

Date: 2/7, 2002

By:


John Lucas, Ph.D., J.D.
Registration No. 43,373

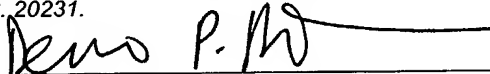
10665 Sorrento Valley Road
San Diego, CA 92121-1609
Telephone: (858) 597-2600
Facsimile: (858) 597-2601

e-mail:
john.lucas@genxy.com

Certificate of Mailing under 37 CFR 1.10

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Date of Deposit: 2-7-02

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Signature

Deno P. Dialynas
Typed or Printed Name of Person Signing Certificate

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Lydie Bougueleret
Application No./Patent No.: _____ Filed/Issue Date: February 7, 2002
Entitled: A Nucleic Acid Encoding a Retinoblastoma Binding Protein (RBP-7) and Polymorphic Markers Associated with Said Nucleic Acid
GENSET, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010304, Frame 0259, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/7/02
Date

John Lucas, Ph.D., J.D.
Typed or printed name
[Signature]
Signature
Director, Intellectual Property
Title



2FCI 10071179 020702

03C0

#4

Ref. No. 44.US4.DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant : Lydie Bougueleret

Appl. No. : 10/071,179

Filed : February 7, 2002

Title : A NUCLEIC ACID ENCODING A
RETINOBLASTOMA BINDING PROTEIN
(RBP-7) AND POLYMORPHIC MARKERS
ASSOCIATED WITH SAID NUCLEIC ACID

)
)
) Grp./A.U. : Unknown
)
) Examiner : Unassigned
)
)
)
)
)
)

Honorable Commissioner of Patents
Washington, D.C. 20231

LETTER

Sir:

Upon inspection of our return postcard received today (March 11, 2002) for patent application no. 10/071,179, we have become aware that the Specification for said application has become separated from the remainder of the materials originally sent.

We were advised by telephone conversation with Ms. Stokes in the Office of Initial Patent Examination that we should re-send said Specification as soon as possible. To that end, said Specification is included herewith, along with a copy of the returned postcard.

Please let us know if there is anything else we can do to expedite this matter.

**COPY OF PAPERS
ORIGINALLY FILED**

Appln. No. 10/071,179
 Filed: February 7, 2002
 Page 2 of 2

Please charge any additional fees, or credit overpayment to Deposit Account No.

50-1181.

Respectfully submitted,

GENSET CORPORATION

Date: March 11, 2002

By: Deno P. Dialynas

Deno Dialynas, Ph.D.
 Reg. No. 50,711

10665 Sorrento Valley Road
 San Diego, CA 92121-1609

Telephone: (868) 597-2634
 Facsimile: (858) 597-2600
 e-mail: deno.dialynas@genxy.com

Enclosures:

- 1) Photocopy of front and back of Return Receipt Postcard
- 2) Copy of Specification, Claims, Abstract (105 pages)

Certificate of Mailing

Date of Deposit: March 11, 2002

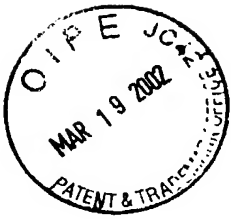
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the Date of Deposit shown above, postage prepaid and in an envelope addressed to the Assistant Commissioner for Patents, Box Non Fee Amendment, Washington, D.C. 20231.

Deno P. Dialynas

Signature

Deno P. Dialynas

Typed or Printed Name of Person Signing Certificate



10071179 020702

COPY OF PAPERS
ORIGINALLY FILED

Docket No.: 44,054, DIV Patent Application.

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant: CYDIE BOUGUEVERET
Title: ANNUAL FEED ENCODING A RETINOBLASTOMA BINDING
PROTEINCRAB-3 POLYMORPHIC MARKERS ASSOC. W/ SAID NUCLEIC

- ☒ Transmittal Letter
☒ Application: 98 Pgs./Spec. 1 Pgs./Abstract
6 Pgs./Claims 3 Total Claims
☒ Utility: Original / Div.
☐ Provisional ☐ Design ☐ Plant
☐ National Stage Filing in U.S.
☒ Preliminary Amendment 3 Pgs (3 claims)
☒ Check(s) 740.00 (23719)
☒ Drawings 2 Sheets:
☐ Formal ☐ Informal
☐ Photographs ☐ B&W ☐ Color
☐ Information Disclosure Statement
☐ PTO 1449 Form - pages
☐ Prior Art References - No. of Ref.
- ☒ Application Data Sheet - 3 Pgs
☒ ~~Comb.~~ Decl. & Power of Attorney (copy)
☒ Signed ☐ Unsigned
☐ Assignment ☐ Record Cvr. Sheet
☒ Statement of Ownership Under 3.73(b)
☐ Small Entity Statement
☐ Priority Document - pages
☐ English Translation
☒ Sequence Listing 126 Pgs
☐ Deposit Acct. Order Form (2 copies)
☐ Other: SAOS 3817 5B06
Power of Atty of Atty of Agent
SUB. of SEQ LIST & STATE UNDER 1.821
US PTO Label #EVO16276670US

Attly/Sec. J1050
Initials J1050 Matter Name 268-7 Date 2/7/2002
10/07/1179
02/07/02